

*TOXOSTOMA CRISSALE* "HENRY" [= BAIRD], 1858 (AVES: MIMIDAE); PROPOSED CONSERVATION IN PLACE OF *TOXOSTOMA DORSALE*; WITH A PROPOSED ADDITION TO ARTICLE 32 OF THE INTERNATIONAL CODE OF ZOOLOGICAL NOMENCLATURE. Z.N.(S.) 2215

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S. F. Baird, in describing (in Henry, T.C., 1858a, *Proc. Acad. nat. Sci. Philadelphia*, vol. 10: 117–118, May) a North American thrasher (*Toxostoma*) under the "authorship" of T. C. Henry (the collector), intended to use the specific name *crissalis* (later emended to *crissale* to conform with the neuter gender of the generic name), and so it appeared in Baird's manuscript submitted, through John Cassin, for publication in the *Proc. Acad. nat. Sci. Philadelphia* (see Hubbard, 1976, *Nemouria*, No. 20, 7 pp.). As the result of errors made during the editing or printing of the description, the name actually appeared as *Toxostoma dorsalis* [correctly *dorsale*], the specific name inadvertently borrowed from another taxon being described in the same paper, i.e. *Junco dorsalis* (= *Junco caniceps dorsalis*). The *Toxostoma* has a rusty crissum, with the dorsal area concolorous with the rest of the upper parts, while the *Junco* has a reddish dorsal patch; hence their respective intended names.

2. When Baird received the publication containing the incorrect specific name in May 1858, he immediately wrote to Cassin to express his dismay and to request that a correction be made immediately of that and other errors in the publication. These corrections were made in June 1858, and the correct name *Toxosotoma crissalis* [correctly *crissale*] appeared (Henry, 1858b, *Proc. Acad. nat. Sci. Philadelphia*, vol. 10: 117–118, June). The corrections were made in the form of a reissue of the two pages concerned. Instructions were issued at the end of vol. 10 of the *Proceedings* to the effect that the old pp. 117–118, issued in May 1858, were to be discarded and replaced by the new pages issued in June 1858 (see Hubbard, 1976). In some sets of the serial these instructions were followed, for the May version of those pages is not to be found.

3. With the issue of the corrected pp. 117–118, the name *T. dorsalis* (or *dorsale*) disappeared from use for 62 years, and the species was called *Toxostoma crissalis* (or *crissale*) with Crissal

Thrasher as the official English name, in all the literature (see A.O.U. Check-list North American Birds, 1st, 2nd and 3rd editions, 1886, 1895, 1910).

4. In 1920 Oberholser (*Auk*, vol. 37: 303) resurrected the name *dorsalis* (or *dorsale*), based on the fact that it had priority over *crissalis* (or *crissale*) under the A.O.U. code. Ten years later (1930, *Cleveland Mus. nat. Sci. Publ.*, vol. 1: 83–124) he reiterated the assertion that *dorsalis* (= *dorsale*) should be used rather than *crissalis* (= *crissale*), and in 1931 the A.O.U. Check-list replaced *crissale* with *dorsale*, while keeping the English name Crissal Thrasher. This occurred after a period of 73 years in which *crissale* had been in nearly universal use among ornithologists, including such eminent workers as S.F. Baird, Elliot Coues, R. Ridgway, A. Wetmore, A. van Rossem, and others.

5. The rationale for reverting to the name *dorsale* was that it had priority over *crissale*, even though admittedly published as the result of a printer's or editor's error and contrary to the author's intentions. Erroneous names can be changed under the Code (without application to the Commission) only as regards contraventions of mandatory provisions (see Article 32a, i) or as regards errors evident in the original publication (see Article 32a, ii) "without recourse to any external source of information" (*Bull. zool. Nom.* vol. 31: 83). Clearly, there is no basis in the present Article 32 of the Code for zoologists to accept the intended name *crissale* over the first published name *dorsale*, in the absence of action by the Commission. Thus resort must be had to the Commission's plenary power or to amendment of the Code itself.

6. Usage of *dorsale* in place of *crissale* since 1931 has been general and widespread, but not universal. Phillips (1962, *Anal. Inst. Biol. Univ. Mexico*, vol. 33: 331–377) and Phillips, Marshall & Monson (1964, *Birds of Arizona*, Univ. Arizona Press, Tucson) are among those who have not accepted this nomenclature. Phillips has been particularly adamant in rejecting *dorsale*, arguing that to do otherwise is to allow "printers' devils" rather than scientists to establish nomenclature. Thus, over a century after the species was described, the usage of *dorsale* versus *crissale* has not been settled to a point of universal acceptability.

7. My first request is, therefore, that the specific name *crissale* be validated in place of *dorsale* on the following grounds:

- (a) the name of the taxon was intended to be *crissale* and it was so submitted (as *crissalis*) in manuscript to the editor and printer of the *Proc. Acad. nat. Sci. Philadelphia* (see Hubbard, 1976);
- (b) *crissale* (in the form *crissalis*) was immediately published

by Baird as the correct name after it had been inadvertently replaced by *dorsalis*. This correction was supported by John Cassin and concurred in by the editor of the *Proceedings*; the latter issued printed instructions to the binders of the 1858 volume to replace the erroneous pages by the corrected ones, and in some copies the erroneous pages have in fact been destroyed;

- (c) *crissale* is an appropriate name, referring to the rusty crissum of the otherwise generally drab brown bird. On the other hand, *dorsale* was inadvertently "borrowed" from another taxon that was concurrently described, and it is an inappropriate and confusing name for *Toxostoma crissale*;
- (d) *crissale* conforms with the established common name of "Crissal Thrasher", long used for and universally applied to this bird;
- (e) *crissale* (or *crissalis*) was the only name used for this taxon from June 1858 to 1920 (62 years) and remained the name in general use until 1931 (73 years);
- (f) *crissale* has not disappeared from use but has continued to be preferred by some workers.

8. In consequence, I ask the International Commission on Zoological Nomenclature

- (1) to use its plenary powers to rule that *crissale* is the correct original spelling of the specific name first published in May 1858 as *dorsalis*, in the binomen *Toxostoma dorsalis*;
- (2) to place the specific name *crissale* Baird, 1858, as published in the binomen *Toxostoma crissalis* [*sic*] and as ruled under the plenary powers in (1) above to be a correct original spelling, on the Official List of Specific Names in Zoology;
- (3) to place the specific name *dorsalis* Baird, 1858, as published in the binomen *Toxostoma dorsalis*, an incorrect original spelling of *crissale* as published in the binomen *Toxostoma crissalis* [*sic*] in consequence of the ruling under the plenary powers in (1) above, on the Official Index of Rejected and Invalid Specific Names in Zoology.

9. My second request is for an amendment to the Code to cover cases of which the present one is a particularly clear example, although analogous cases are certainly numerous. It seems that a

need exists to provide guidelines to scientists and to members of various nomenclatural bodies as to what types of erroneous names can be corrected. The amendment proposed below would not mean a wholesale and unchecked reversion to junior synonyms or other names not currently in use; all such corrections would require a vote of concurrence of the Commission, but by a simple majority under the ordinary powers, not a two-thirds majority under the plenary powers. It would provide a more flexible approach to a particular, but not uncommon, type of situation.

10. I therefore propose that a new Section e to Article 32 of the Draft Third Edition of the Code be added, as follows:

“(e) Unintended original spelling.- If a name in the original publication can be demonstrated by evidence internal or external to the work itself to be other than that intended by the original author, the proposed correction must be referred to the Commission which may decide by a simple majority vote which is the correct original spelling of the name concerned, provided that

- (i) the author's intention must have been subverted by a copyist's or printer's error, a lapsus calami, or an editorial change not authorised by the author;
- (ii) linguistic or orthographical errors made with the consent of the original author are not to be amended under the provisions of this Section.

Example.- The epithet *dorsalis* (correctly *dorsale*) in the binomen *Toxostoma dorsalis* Baird, May, 1858 was published without Baird's consent. He had intended the binomen *Toxostoma crissalis* (correctly *crissale*), as is demonstrated by his original manuscript, by correspondence, and by publication of the intended name in a reissue of the original context in June 1858. The decision on which is the correct original spelling may be made by the Commission by a simple majority vote.”